

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

COLONIAL PIPELINE COMPANY,)
v.)
Plaintiff,) Case No. 3:20-cv-00666
METROPOLITAN NASHVILLE) District Judge William L. Campbell, Jr.
AIRPORT AUTHORITY and AECOM) Magistrate Judge Alistair E. Newbern
TECHNICAL SERVICES, INC.,)
Defendants.)

[PROPOSED] JOINT DISCOVERY PLAN

Colonial Pipeline Company (“Colonial”), Metropolitan Nashville Airport Authority (the “Airport”), and AECOM Technical Services, Inc. (“AECOM”), by and through their respective counsel, submit this Discovery Plan in accordance with Fed. R. Civ. P. 26(f). The parties shall use good faith efforts to meet the deadlines and other agreements set forth in this Discovery Plan, but reserve their rights to seek relief from the following schedule for good cause and with the judge’s consent pursuant to Fed. R. Civ. P. 16(b)(4).

1. **Conference.** Counsel participated telephonically in discovery planning conferences and prepared the following Discovery Plan for *Colonial Pipeline Company v. Metropolitan Nashville Airport Authority, et al.*, No. 3:20-cv-666 (the “Line Strike Case”). Wearen Hughes and Brian Dobbs of Bass Berry Sims LLP attended the conferences on behalf of Colonial; Paul Davidson and Mike Brett of Waller Lansden Dortch & Davis LLP attended the conferences on behalf of the Airport; and Gary Shockley and/or Caldwell Collins attended the conferences on behalf of AECOM.

2. **Initial Disclosures.** The parties agree to make any supplements to their initial disclosures on or before April 9, 2021, and thereafter as required under Fed. R. Civ. P. 26(e).

3. **Written Discovery.**

- a. The parties shall issue written responses and objections to all outstanding discovery on or before April 23, 2021. Pursuant to Local Rule 37.01(a), the parties shall make a good faith attempt to resolve any objections to outstanding written discovery on or before April 30, 2021.
- b. Pursuant to Local Rule 37.01(b), the parties shall file a joint statement on or before May 5, 2021 detailing their efforts to resolve any objections to outstanding written discovery, setting forth exactly what discovery is in dispute, and detailing the parties' respective positions. The Magistrate Judge will conduct a conference with respect to those issues on May , 2021.
- c. The parties agree the March 12, 2021 deadline contemplated by the initial Case Management Order for serving written discovery shall be stricken.
- d. All additional written discovery shall be commenced in time to be completed by July 30, 2021.
- e. The following parameters shall apply to written discovery: Maximum of 25 interrogatories by each party, including subparts, with it being agreed Colonial will not object to the interrogatories already served by the Airport to Colonial on the basis they exceed the 25 interrogatory limit. No limit for requests for production by each party. No limit for requests for admissions by each party.

4. **Document Productions.**

- a. **Electronically Stored Information.** The parties incorporate by reference the Agreed Order Regarding Discovery of Electronically Stored Information. With respect to electronic communications, the Parties shall (i) propose custodians, date ranges, and search terms on or before April 13, 2021, and (ii) agree to final custodians, date ranges, and search terms, and meet and confer regarding a schedule for production of documents, on or before April 23, 2021.
- b. **Protective Order.** The parties incorporate by reference into this Discovery Plan the Agreed Confidentiality and Protective Order.
- c. The parties shall produce documents on a rolling basis, with the initial production of documents responsive to document requests existing as of

the date of this Discovery Plan no later than April 23, 2021; and a final production of documents responsive to those requests by June 30, 2021.

5. **Third Party Subpoenas.**

- a. Except as otherwise agreed between the parties, subpoenas to third parties shall provide thirty (30) days from the date of issuance for response, and any objection by a party to the subpoena shall be made within fourteen (14) days of its receipt of notice of the subpoena. Pursuant to Local Rule 37.01, the parties shall make a good faith effort to resolve the objection within 5 business days, and within 7 days thereafter comply with Local Rule 37.01(b) and also request a conference with the magistrate in an attempt to resolve the issues.

6. **Depositions and Completion of Fact Discovery.**

- a. Each deposition should be limited to a maximum of seven (7) hours unless extended by agreement of the parties.
- b. Subject to meeting other requirements for admissibility under the Federal Rules of Evidence, Federal Rules of Civil Procedure and other applicable law, or as otherwise agreed by all parties, depositions taken in *Metropolitan Nashville Airport Authority v. Colonial Pipeline Company*, No. 3:20-cv-809 (the “Relocation Case”) are admissible in the Line Strike Case, and vice versa. Nothing herein shall limit AECOM’s ability to take depositions in this case from any party or non-party witness.
- c. All documents produced and responses to written discovery served in the Relocation Case shall also be produced to and served upon AECOM and, subject to meeting other requirements for admissibility under the Federal Rules of Evidence, Federal Rules of Civil Procedure and other applicable law, or as otherwise agreed by all parties, shall be admissible in the Line Strike Case.
- d. The parties agree to work to identify deponents and set aside the following dates for depositions and will cooperate in scheduling them: May 24-28, June 7-11, June 21-25. This does not preclude any party from taking a deposition prior to or after these scheduled dates.
- e. All fact discovery shall be completed by July 30 absent agreement of the parties or further order of this Court.

7. **Experts.** Colonial shall identify each expert witness it intends to call and provide a Rule 26(a)(2) report for each such expert by August 30, 2021. The Airport and AECOM shall

identify any expert witness they intend to call and provide a Rule 26(a)(2) report for such expert within 28 days after Colonial makes its disclosure. All experts shall be deposed within 28 days after the Airport and AECOM make their disclosures.

8. **Dispositive Motion Deadline.** The parties shall file any dispositive motions no later than November 5, 2021.

APPROVED FOR ENTRY:

s/ Brian M. Dobbs

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties below indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system.

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this 31st day of March 2021.

s/Paul S. Davidson

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